

# CROOK COUNTY PLANNING COMMISSION

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**December 12, 2018**

Crook County Planning Commission Chairperson Michael Warren II called the hearing to order at 6:00 p.m. Commissioners present in addition to Warren were Laquita Stec, George Ponte, Susan Hermreck, Gary Bedortha, and Bob Lundquist. Commissioner Pro Tem Lawrence Weberg was not present.

Crook County Planning staff present were Planning Director Ann Beier and Planner Katie McDonald.

Warren led all persons present in saying the Pledge of Allegiance.

## **OPENING STATEMENTS**

Warren explained the Commission procedures. He called upon the Planning Commissioners present to state any conflicts of interest or ex parte contacts. He asked if any member of the public wished to challenge any of the Commissioners concerning any item on the agenda.

**Conflicts of Interest:** None.

**Ex Parte Contacts:** None.

**Challenges:** None.

## **APPROVAL OF MINUTES**

The Commissioners reviewed the draft minutes for the meeting of November 14, 2018.

Bedortha moved for approval of the minutes.

Hermreck seconded.

The Commissioners present approved the motion by a vote of 6-0.

The Commissioners reviewed the draft minutes for the meeting of November 28, 2018. Beier said that the draft minutes before the Commission replaced the draft minutes provided earlier.

## CROOK COUNTY PLANNING COMMISSION

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Ponte moved for approval of the replacement minutes.

Lundquist seconded.

The Commissioners present approved the motion by a vote of 6-0.

### PUBLIC HEARING

**Final deliberations on Chuck Hegele (owner) – Record Number (217-18-000241-PLNG)** request for conditional use approval to site 10 recreational vehicle (RV) spaces in conjunction with an approved Living History Museum (217-15-000042-PLNG). A private park is allowed as a conditional use under CCC 18.20.020 (EFU-2), 18.180.050(4) (Recreational Vehicle Park Standards), and ORS 215.283(2) (Private Parks in Exclusive Farm Use Zones). The property is identified as T 14 S R 14 EWS Sec 5 TL 800 and is located at 8455, 8483, and 8517 NW Lone Pine Road, Terrebonne, Oregon 97760.

Beier said that the staff report had been revised. She said that she was recommending denial of the application. She said that RV's should only be there when the museum is open. She said that the application had been revised to reflect neighbors' comments concerning impacts on their agricultural operations, and that fencing, and landscaping between RV spaces had not been adequately addressed. She said that state regulations prohibiting hookups for individual RV spaces in EFU zones conflict with the Code requirements for hookups, but that shared hookups could be an option. She said that the property is fairly small, and is not in an area extensively used for recreation. She said that the adjacent road is a major collector, and that 30 foot rather than 20 foot setbacks are required.

Warren asked if the utility box on the property was considered to be a structure.

Beier said that it was not. She said that the application could be denied without prejudice, and that the applicant could resubmit it with the shortcomings addressed. She said that otherwise he could not reapply for one year.

Bedortha said that the application involved two conditional uses, including the previously approved conditional use for the museum, and the criteria for both must be considered.

Beier said that the approval process involves weighing impacts versus mitigation.

Bedortha said that the conditional use approval for the museum should be attached to any approval for the RV spaces, as the two are tied together. He said that the RV approval should be void if the museum is closed.

Hermreck asked if right to farm provisions for agricultural uses in the area are automatic, or if they should be a condition of approval.

## CROOK COUNTY PLANNING COMMISSION

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Beier said that a nonremonstrance agreement must be a condition, and had been left out of the staff report through an oversight.

Hermreck asked if another fee would be required if the applicant resubmits the application.

Beier said that the Commission could recommend that the fee be waived if the application is denied without prejudice.

Beier said that a nonremonstrance agreement would prevent the applicant from suing over normal farming practices in the area. She said that it would have to be recorded.

Hermreck asked what would happen if a visitor to the RV spaces suffered an asthma attack which was linked to a neighboring farming operation.

Beier said that was a question for a lawyer. She said that ordinarily a property owner who has signed a nonremonstrance agreement has no recourse. She said that this may have been tested in court.

Hermreck commented that frivolous lawsuits can be costly to farmers, even if they are dismissed.

Stec asked if the applicant was aware of the findings.

Beier said that he was. She said that the Commissioners could reopen the hearing to talk to the applicant, and the other person in the audience. She said that the staff report had been sent out a week ago.

Stec asked if the application would come back to the Commission if it was resubmitted.

Beier said that would normally be the case. She said that she did not believe that the application passed the test as submitted. She asked if there were other things in the application material to be decided on.

Warren said that restrooms were a question. He said that the RV spaces should be tied to the museum.

Beier said that the museum is open from April until October.

Ponte asked if the application could come back in a year if it is denied outright.

Bedortha commented that the applicant could appeal a denial to the County Court.

Hermreck asked what would happen if the applicant sold the museum.

## CROOK COUNTY PLANNING COMMISSION

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Beier said that the way in which the transfer of ownership was phrased would be important. She said that the RV approval would not be valid if the property does not continue to be used for a museum.

Stec commented that it would be beneficial to the applicant to deny the application without prejudice, rather than an outright denial.

Bedortha said that he believed the proposal is not a good fit for the area. He moved that it be denied outright.

Stec seconded the motion.

The Commissioners present approved the motion by a vote of 6-0.

Beier said that the applicant could appeal the decision.

Beier said that she had met with Hermreck regarding Hermreck's participation in the deliberations on the Woodward application for an asphalt plant and recycling.

Hermreck said that she and her husband had operated rock and asphalt plants in California, and that she had extensive knowledge concerning the industry. She said that she had kept current on the Woodward application, and felt that she could participate in the December 19 hearing.

Bedortha said that he would step down at the hearing.

Beier said that the Brasada destination resort operators propose to subdivide off six utility lots and part of the golf course at the resort. She said this would be reflected in the Tentative and Final Plans.

Hermreck asked if this would change the density of the resort.

Beier said that it would not.

Hermreck asked if there would be a quorum at the December 19 meeting.

Stec said that she would not vote on the Woodward application.

Beier said that Weberg intended to be at the meeting, so there should be a quorum. She said that the Brasada hearing would be scheduled first. She said that Brasada had been built out that we sent out over 300 notices.

Warren asked why Brasada was applying for the split.

Beier said that this would enable the separated portion to be transferred to another entity.

## CROOK COUNTY PLANNING COMMISSION

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Warren asked if there was a map showing Brasada property owners.

Beier said that one would be provided. She said that staff would put together a packet. She said that she and McDonald had learned at a seminar they had attended that it is important to be clear on what is in the record on an issue.

The Commission discussed the issue of transfer of permits to family members through estate planning.

Beier said that alternative language had been offered.

She said that staff Model Code back to the Planning Commission in January.

The Commissioners and staff discussed forestry and accessory housing.

Hermreck moved for adjournment, and Stec seconded.

Warren adjourned the meeting at 7:00 p.m.

## CROOK COUNTY PLANNING COMMISSION

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